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REMARKS

Claims 1-20 and 22 are pending. By this Amendment, claims 1, 2, 4, 5, 7, 8, 12 and 18-20 have been amended to clarify the claimed invention without narrowing a scope of the claimed invention. Accordingly, claims 1-20 and 22 are presented for reconsideration, with claims 1, 6, 15, 20 and 22 being in independent form.

Claims 1-20 and 22 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,078,897 to Rubin et al. in view of U.S. Patent No. 6,332,126 to Peirce et al.

This application relates to enhancing product sales in Internet transactions by offering promotions functionally related to an initial order the customer places, in order to induce the customer to increase the order or place an additional order. Unlike the cited art, the claimed invention of this application provides for display of promotion information only if the initial order meets or exceeds a minimum quantity and no promotion information is displayed if the initial order does not meet or exceed the minimum quantity. Each of the independent claims (1, 6, 15, 20 and 22) includes such features.

As finally acknowledged in the December 20, 2005 Office Action, Rubin does not teach or suggest such features. Rubin proposes that promotion information is always displayed, once an initial order is received, regardless of the quantity of the initial order, and no comparison to a minimum quantity is made to determine whether promotion information is to be displayed.

Peirce, as understood by Applicant, is directed to techniques for a specific merchant to entice a consumer to make a purchase by offering a product or service at a discounted price if the consumer, according to information regarding the purchasing behavior of the consumer, has demonstrated a propensity for buying such a product or service. Such information is not an initial purchase order placed with the merchant.

Peirce is not concerned with inducing a customer to increase a purchase order after the customer has placed an initial purchase order.

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Peirce, like Rubin, does not teach or suggest displaying promotion information only if the initial order meets or exceeds a minimum quantity and not displaying promotion information if the initial order does not meet or exceed the minimum quantity.

Peirce, column 14, lines 35-40 which is cited in the Office Action states as follows:

7. The method of claim 6 wherein the subset of merchant discount offers for which the participating consumers qualify and of which they are notified is determined based on a prioritization of discount offers using a prioritization function of expected transaction volume, total discount, and total purchase amount.


While Peirce proposes setting the discount based on a prioritization function of expected transaction volume, total discount, and total purchase amount, Applicant simply does not find teaching or suggestion in the cited art of displaying promotion information only if the initial order meets or exceeds a minimum quantity and not displaying promotion information if the initial order does not meet or exceed the minimum quantity, as provided by the claimed invention of the present application.

In view of the remarks hereinabove, Applicant submits that the application is now in condition for allowance, and earnestly solicits the allowance of the application.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition. The Office is hereby authorized to charge any fees that may be required, and to credit any overpayment, to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Respectfully submitted,


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